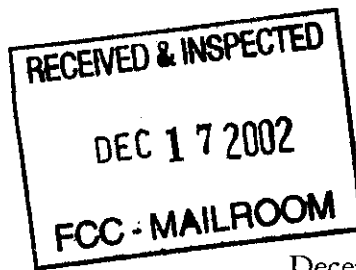




## MAIN CAMPUS

Post Office Box 158  
300 Park Avenue  
Wagon Mound, New Mexico 87752  
505-666-2206 FAX: 505-666-9001

# WAGON MOUND PUBLIC SCHOOLS



## VALMORA HIGH SCHOOL

Box 1  
Valmora, New Mexico 87750  
505-425-8107

DOCKET FILE COPY ORIGINAL

December 9, 2002

DOCKET FILE COPY ORIGINAL

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street  
Washington, D.C. 20554

RE: CC Docket Nos. 96-45 and 97-21

Dear Sir or Madam:

This letter serves as Wagon Mound Public Schools' (Wagon Mound) official appeal to the Federal Communications Commission for the amounts being funded on their Form 486 Funding Commitment Letter, Fund Year 4, dated May 29, 2002. Wagon Mound has followed the suggested procedure and has already sent an appeal to the Schools and Libraries Division and they denied the appeal. We have enclosed a copy of this appeal for your review. Below is the contact information concerning the funds in appeal:

Name of Contact Person:	Sheryl McNellis
Address:	300 Park Avenue, P.O. Box 158, Wagon Mound, NM 87752
Telephone Number:	505.666.3004
Fax Number:	505.666.9001
E-Mail Address:	smcnellis@hotmail.com
Applicant Name:	Wagon Mound Public Schools
Form 470 Application Number:	453860000312057
Form 471 Application Number:	256158
Service Provider Identification Number:	143002555,143013642,143001086
Funding Request Numbers:	640871,640908,640976,641097,641183

No. of Copies rec'd  
List ARCDE

As we stated in our appeal to the Schools and Libraries Division, the loss of this funding will be detrimental to the Wagon Mound Public Schools available funding for the next school year. We rely heavily on Federal funds to provide our students with the opportunity to utilize available technologies for learning purposes.

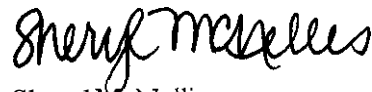
This appeal addresses Priority 1 expenses; Internal Connections were not affected. Without this funding, our telephone service and internet access will be compromised for the following year, due to the need to make up for the loss of funds because of the late filing. We have since made every effort to keep abreast of the changes to the E-Rate process, and we do not anticipate this situation in the future. It is unfortunate that a regulation so pertinent to funding was not as widely advertised

or a caution sent. Many of our service providers, with whom we have done and continue to do E-Rate business, did not advise **us** of the changes in the filing dates from the previous years, and ~~they~~ do have employees dedicated to the E-Rate process. In any case, we understand our responsibility and to not attribute our dilemma to anyone other than ourselves.

Wagon Mound Public Schools can only hope that the FCC will reconsider our appeal for the funding we have lost for the sake of the education for the students at the Wagon Mound Public Schools.

Please feel free to contact me at 505.666.3004 (voice), 505.666.9001 (fax), or by email at smcnellis@hotmail.com.

Sincerely,

A handwritten signature in black ink that reads "Sheryl McNellis". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Sheryl McNellis  
Principal/Tech Coordinator  
Wagon Mound Public Schools

Encl: Appeal to Schools and Libraries  
Schools and Libraries Response – Denial

Cc: Albert Martinez, Superintendent  
Year **4** E-Rate



**Universal Service Administrative Company**  
Schools & Libraries Division

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Administrator's Decision on Appeal • **Funding** Year 2001-2002

October **21.2002**

Sheryl McNellis  
Wagon Mound Public Schools  
**300** Park Ave.  
P.O. Box **158**  
Wagon Mound, NM **87752**

Re:      Billed Entity Number:      **143302**  
         471 Application Number:      **256158**  
         Funding Request Number(s):      **640871,640908,640976,641097,641183**  
         Your Correspondence Dated:      June **24,2002**

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number:      **640871,640908,640976,641097,641183**  
Decision on Appeal:      Denied **in** full  
Explanation:

- You have stated on appeal that the Wagon Mound Public Schools had received a Form **486** Notification Letter dated May **29,2002**, which stated that the original service start date of July **1,2001** for the above-mentioned funding requests had been adjusted, because the Form **486** pertaining to these requests were not filed on or before the October **28,2001** deadline. You also stated that due to changes in Form **486**'s filing requirement, your form ~~was~~ filed late. You further state that you understand the importance of submitting information on a timely basis, and you would like to point out several issues that will explain the reasons for missing the above-mentioned deadline. You request reconsideration of the penalty for missing the Form **486** deadline because Wagon Mound Public Schools is a small and poor district that relies on any Federal funds or grants to provide proper education to your students. You also state **as** an additional argument that the district cannot afford to hire consultants or have a staff member dedicated to monitor SLD's policy changes

and you feel that that the SLD's timing of the Fund Commitment Decision Letter (9/28/2001) played a part in **your** inability to submit **your** Form 486 in a timely manner.

- If the date of your Funding Commitment Decision Letter was on or before October 28, 2001 and the Service Start Date you reported on your Form 486 was on or before October 28, 2001, your Form 486 must have been received or postmarked on or before October 28, 2001. The date of your Funding Commitment Decision Letter for FCC Form 471 # 256158 was September 28, 2001. The Service Start Date you reported on your Form 486 was July 1, 2001. The postmark date of your Form 486 was May 6, 2002. Since your FCC Form 486 was postmarked after October 28, 2001, the SLD has revised your Service Start Date to your FCC Form 486 postmark date and reduced your funding commitment amount based on the revised Service Start Date. Consequently, your appeal is denied.
- FCC rules provide that in Funding Year 2001, the FCC Form 486 must be postmarked **no** later than October 28, 2001 and that for subsequent funding years, the FCC Form 486 certifications must be provided to the Administrator in accordance with existing program guidelines established by the Administrator. *See* 47 C.F.R. § 54.520(g). Existing program guidelines are explained in the Funding Commitment Decision letter. Your Funding Year 4 Funding Commitment Decision letter notified you that "[I]f your services start after October 28, 2001, your Form 486 must be postmarked no later than 120 days after the Service Start Date or 120 days after the date of the Funding Commitment Decision Letter, whichever is later, in order for discounts to be paid retroactively to the Service Start Date. Failure to meet this filing deadline will result in reduced funding." *See* Funding Commitment Decision Letter (Funding Year 4: 07/01/2001 – 06/30/2002), page 2. Since your FCC Form 486 was postmarked more than 120 days after the Service Start Date you indicated on your FCC Form 486, SLD has reduced your funding.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12<sup>th</sup> Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, [www.sl.universalservice.org](http://www.sl.universalservice.org).

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

WAGON MOUND PUBLIC SCHOOLS

June 24,2002

Schools and Libraries Division  
**Box 125 – Correspondence Unit**  
80 South Jefferson Road  
Wippany, New Jersey 07981

Name of Contact Person: Sheryl McNellis  
Address: **300 Park Ave., P.O. Box 158**, Wagon Mound, NM **87752**  
Telephone Number: **505-666-3004**  
Fax Number: **505-666-9001**  
E-Mail Address: smcnellis@hotmail.com  
Applicant Name: Wagon Mound Public Schools  
Form 470 Application Number: **453860000312057**  
Form 471 Application Number: **256158**  
Form 486 Application Number: **177122**  
Service Provider Identification Number: **143002555,143001086,143013642**  
Funding Request Number: **640871**  
Funding Request Number: **640908**  
Funding Request Number: **640976**  
Funding Request Number: **641097**  
Funding Request Number: **641183**

Dear Sir or Madam:

This letter serves as Wagon Mound Public Schools official appeal to the amounts being funded on their Form 486 Funding Commitment Letter, Fund Year 4, dated May 29,2002.

Due to the change in the requirements for filing the Form 486 from the previous years, Wagon Mound Public Schools inadvertently filed at a late date and is being penalized on the amount of funding previously committed to them. While we understand the importance of submitting information on a timely basis, we would like to point out several issues that we hope will justify reconsideration on our behalf.

The Wagon Mound Public School is a very small rural school located in Mora County New Mexico. Mora County is known to be one of the poorest counties within New Mexico and the Wagon Mound Public School relies heavily on any Federal funds or grants to provide proper education to our students. We feel there was inadequate information provided by the Schools and Libraries Division and perhaps training on new regulations informing the schools of the importance of the change in this filing requirement from previous years. If Wagon Mound Public Schools is not allowed the amount previously committed on the FRN's listed above, they will only receive \$16,227.47 instead of the previous \$78,635.81. This will be a huge financial burden for Wagon Mound Public School to recover from and the aftereffect will be detrimental to providing students

June 24, 2002

with the opportunity to learn using technology that is available to them only through the funding the school receives from the Schools and Libraries Division. Although the 2001-2002 school year is complete, the amount that the school could budget for technological services for 2002-2003 would be greatly diminished due to the loss of funding the previous year. Wagon Mound Public Schools cannot afford to hire Consultants to keep abreast of changes to the reporting requirements and consulting is not ~~an~~ approved service for funding. We also feel that the time constraint of submitting the Form 486 before October 28, 2001 did not allow enough time for submission, as our funding notification letter was dated September 28, 2001 (but we did not receive it in the office until October 10<sup>th</sup>). We do not have the funds to have a staff member dedicated to Schools and Libraries to assure that we can keep current with all changes in each funding year. We feel with the Form 486 being so pertinent to the funding commitment, that schools should have had more time to complete and submit the Form **486**.

Wagon Mound Public Schools can only hope that ~~we~~ be reconsidered for the funding we have lost for the sake of the education of the students at the Wagon Mound Public Schools.

If I can be of further assistance in explaining our situation, please feel free to call me at school or by email during the month of July at [smcnellis@hotmail.com](mailto:smcnellis@hotmail.com).

Sincerely,



Sheryl McNellis  
Technology Coordinator